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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT

PAPER NUMBER

2171

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14

Please find below and/or attached an Office communication concerning this application or proceeding.

DM

# Office Action Summary

Application No.

09/803,928

Applicant(s)

MOODIE ET AL.

Examiner

Etienne P LeRoux

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                                                       |                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____                                                |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 and 19-26 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,101,483 issued to Petrovich et al (hereafter Petrovich).

Claim 1:

Petrovich discloses a method of storing and retrieving one or more items on a database over a plurality of communications networks, including:

- a. entering, at a first communications terminal, one or more data items [*portable terminal 40, Fig 1, col 4, lines 50-65*],
- b. transmitting said data items, together with a first user identity code [*intrinsic identifying indicia, col 5, lines 45- 63*], to a database server [*host computer 16, Fig 1, col 4, lines 4-13*] over a first communications network [*wireless communication, col 5, lines 9-22*];
- c. transmitting a retrieval request, together with a second user identity code, from a second communications terminal to said database server over a second communications network, wherein the second communications terminal is a

Art Unit: 2171

wireless terminal and the second communications network is a wireless network

*[many terminals for different users, col 4, lines 50-55];*

- d. if said first user identity code matches said second user identity code, receiving at least some of said one or more data items, the data items including either a shopping list or a recipe *[verification query, col 9, lines 12-38]*

Claim 2:

Petrovich discloses wherein steps a and b comprise the steps of

- i. entering, at said first communications terminal, one or more first data items *[reading bar codes related to shopping, col 4, lines 50-65];*
- ii. transmitting said one or more first data items, together with said first user *[Fig 4, 58] identity code [identification ROM circuitry, col 5, lines 45-63], to the database server [Fig 1, 16] over the first communications network [Fig 1, 54, 18];*
- iii. entering, at said first communications terminal, one or more second data items *[reading bar codes col 4, lines 50-65],*
- iv. transmitting said one or more second data items, together with said first user identity code, to the database server over the first communications network *[Fig 1, 16, identification ROM circuitry, col 5, lines 45-63]*

Claim 3:

Petrovich discloses a method of storing and retrieving one or more data items on a database, including:

- a. receiving, from a first communications terminal, a set of data items and a first user identity code *[col 5, lines 23-37, identification ROM circuitry, col 5, lines 45-63];*

Art Unit: 2171

- b. indexing said data items on said database according to said first user identity code [col 9, lines 3-11]
- c. receiving a retrieval request and a second user identity code from a second, wireless communications terminal [many terminals for different users, col 4, lines 50-55]
- d. matching said second user identity code to said first user identity code [col 9, lines 40-50];
- e. retrieving at least some of said data items corresponding to the first user identity code [col 9, lines 13-38]; and
- f. transmitting said retrieved data items to said second, wireless communications terminal, the data items including either a shopping list or a recipe [col 9, lines 13-38]

Claim 4:

Petrovich discloses wherein steps a and b comprise the steps of:

- i. receiving over the first communications network from said first communications terminal, one or more first data items together with said first user identity code [col 4, lines 50-65];
- ii. indexing said one or more first data items on said database according to said first user identity code [col 9, lines 3-11];
- iii. receiving over the first communications network from said first communications terminal one or more second data items together with said first user identity code [reading bar codes col 4, lines 50-65, Fig 1, 16, identification ROM circuitry, col 5, lines 45-63]
- iv. indexing said one or more second data items on said database according to said first user identity code [col 9, lines 3-11].

Claim 5:

Art Unit: 2171

Petrovich discloses a database and a plurality of different communication channel interfaces for providing an interface between the database and a respective plurality of different communication channel types [telephone, Fig 1, 22, wireless terminal Fig 1, 18], including one or more wireless channel types; each of a plurality of users to be enabled to transmit one or more data items for storage on the database via any of the communication channel interfaces and to retrieve said one or more data items via any of the communication channel interfaces, the data items to include either a shopping list or a recipe [abstract, col 4, lines 50-65].

Claim 6:

Petrovich discloses a method of retrieving information from a database over one or more communications networks, including: a. entering a code at a wireless communications terminal [Fig 1, 40, col 4, lines 50-65], b. transmitting said code over a wireless communications network to a database server [Fig 1, 16]; and c. receiving from said database server, in response to said code, a set of data items derived from said code, the data items including either a shopping list or a recipe [Fig 3A, 3B, col 6, lines 37-53].

Claims 7 and 9:

Petrovich discloses wherein said code is displayed in the vicinity of the wireless communications terminal [col 6, lines 37-53].

Claim 8:

Petrovich discloses a method of adding data items to a data record, including:  
a. storing data set records each including a data code and a set of data items [col 4, lines 50-61];

Art Unit: 2171

- b. receiving a data code and a user identity code from a wireless communications terminal over a wireless communications network [internet access to host 16, Fig 1, col 3, line 64 through col 4, line 12] ;
- c. retrieving one of said data set records corresponding to said received data code [col 6, lines 37-53]
- d. adding the set of data items from said retrieved data set record to a user data record indexed according to said received user identity code, the set of data including either a shopping list or a recipe [col 9, lines 12-25]

Claim 10:

Petrovich discloses a method of retrieving information from a database over one or more communications networks, including:

- a. storing a plurality of sets of data and corresponding set identity codes [col 4, lines 50-61] ;
- b. receiving a set identity code over a wireless communications network from a first wireless communications terminal [internet access to host 16, Fig 1, col 3, line 64 through col 4, line 12] ;
- c. retrieving one of said sets of data from the database corresponding to said set identity code [col 6, lines 37-53]
- d. transmitting said set of data to said first communications terminal or to a second communications terminal, the set of data including either a shopping list or a recipe [col 9, lines 12-25]

Claim 11:

Art Unit: 2171

Petrovich discloses wherein the set of data is transmitted to said second communications terminal [many terminals, col 4, lines 50-55]

Claim 12:

Petrovich discloses wherein the second communications terminal is a fixed terminal.[Fig 2, 68]

Claim 13:

Petrovich discloses wherein the second communications terminal transmits said set of data to said first, wireless communications terminal or to a third, wireless communications terminal [many terminals, col 4, lines 50-55, host computer 16, Fig 1].

Claim 14:

Petrovich discloses wherein said first wireless communications terminal transmits a first user identity code and the second communications terminal receives a second user identity code, and said set of data is retrieved if said first user identity code matches said second user identity code [col 9, lines 12-27].

Claim 15:

Petrovich discloses wherein said second communications terminal reads said second user identity code from a portable token [col 5, lines 48-55].

Claim 16:

Petrovich discloses wherein said set code is displayed in the vicinity of the first wireless communications terminal.[Fig 3A, 72, col 9, lines 18-25]

Claim 17:

Petrovich discloses wherein said set of data includes an alphanumeric list of items [col 4, lines 50-65].



Art Unit: 2171

Claim 19:

Petrovich discloses a system for retrieving sets of data items, comprising:

- a. a database storing a plurality of sets of data items and corresponding set codes [col 4, lines 50-61]
  - b. at least one communication channel interface for providing an interface between the database and a corresponding communication network [internet access to host 16, Fig 1, col 4, lines 4-5];
  - c. at least one user terminal for communication over said communication network;
- wherein the communication channel interface is arranged to receive a set code from the at least one user terminal, to match the set code to a set code in the database and to transmit the corresponding set of data items to the user terminal, each set of data items to include either a shopping list or a recipe [verify correctness and validity of an order which is based on the shopping list database, col 9, lines 13-26]

Claim 20:

Petrovich discloses a system for storing sets of data items, comprising:

- a. a first database storing a plurality of sets of data items and corresponding set codes [memory stores data associated with bar codes, col 4, lines 50-65];
- b. a second database storing sets of data items indexed by a user [host computer 16, Fig 1, col 9, lines 12-25];
- c. at least one communication channel interface for providing an interface between the databases and a corresponding communication network [internet access to host 16, Fig 1, col 4, lines 4-6];
- d. a plurality of user terminals for communication over said communication

Art Unit: 2171

network; wherein the communication channel interface is arranged to receive a set code and a user identity code from one of said user terminals, to match the set code to a set code in the first database and to store the corresponding set of data items in the second database, indexed according to the user identity code, each set of data items to include either a shopping list or a recipe [many terminals, col 4, lines 50-55].

Claim 21:

Petrovich discloses a method of retrieving and transmitting information, including:

- a. receiving a variable code and a user identity code over a wireless communications network from a wireless communications terminal [col 4, lines 50-65];
- b. retrieving, in response to receipt of said variable code, a data record corresponding to the user identity code [col 9, lines 12-27]; and
- c. transmitting said data record to a data receiver other than the wireless communications terminal, the data record including either a shopping list or a recipe [hard-wired telephone line, col 4, lines 13-17]

Claim 22:

Petrovich discloses including selecting said data receiver from a plurality of data receivers according to said variable code [col 4, lines 50-55].

Claim 23:

Petrovich discloses conducting a transaction between the user of the wireless communication terminal and the selected data receiver [col 3, line 64 through col 4, line 12].

Claim 24:

Art Unit: 2171

Petrovich discloses wherein said variable code is displayed in the vicinity of the wireless communications terminal [Fig 3A, 72].

Claim 25:

Petrovich discloses a computer program arranged to perform a method according to claim 21 [abstract].

Claim 26:

Petrovich discloses a carrier bearing a computer program according to claim 25 [internet, col 4, lines 1-6].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2171

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petrovich in view of US Pat No 6,563,430 issued to Kemink et al (hereafter Kemink).

Claim 18:

Petrovich discloses the elements of claim 6 as noted above.

Petrovich fails to disclose wherein said set of data includes one or more video clips-associated with one or more recipes.

Kemink discloses wherein said set of data includes one or more video clips-associated with one or more recipes [col 9, lines 51-60].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Petrovich to include wherein said set of data includes one or more video clips-associated with one or more recipes as taught by Kemink.

The ordinarily skilled artisan would have been motivated to modify Petrovich per the above for the purpose of allowing a user to receive instructions [col 9, lines 51-60].

***Response to Arguments***

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-

Art Unit: 2171

0620. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Patent related correspondence can be forwarded via the following FAX number  
(703) 872-9306

Etienne LeRoux

3/2/2004

A handwritten signature in black ink, appearing to read 'Etienne LeRoux', is written over the typed name and date.